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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,028	12/12/2003	Leslie Andrew McFarlane	MCFARLANE-DRILL-FULL	3504
4988	7590	07/25/2005		
ALFRED M. WALKER 225 OLD COUNTRY ROAD MELVILLE, NY 11747-2712			EXAMINER TALBOT, MICHAEL	
			ART UNIT 3722	PAPER NUMBER
DATE MAILED: 07/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/735,028

Applicant(s)

McFARLANE, LESLIE ANDREW

Examiner

Michael W. Talbot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on amendment filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,9-11 and 13-18 is/are rejected.
- 7) ☒ Claim(s) 3-5,8 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION*****Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "53" has been used to designate both the central drive gear and the other drive gears shown in Figure 11. As presented in the specification on page 10, line 8 through page 11, line 17, central drive gear is identified by character reference "52" to distinguish it from the other drive gears identified using character reference "53". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

***Specification***

2. The disclosure is objected to because of the following informalities:

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Refer to page 5, line 7, the word "crossection" is misspelled and needs to be changed to read --cross-section--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The rejection of the claims under the second paragraph of 35 U.S.C. 112 is withdrawn due to Applicant's amendment filed on 27 June 2005.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,6,7,9-11,13,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2170753 in view of Garfield '823. GB 2170753 shows in Figures 1 and 2 a drill having a rotary power source (page 1, lines 77-81), a plurality of chucks (21-27) attached to a housing (3) and simultaneously rotated by respective linearly aligned drive gears (4-10) having a central drive gear (4) rigidly attached to a central drive shaft (1). GB 2170753 further shows that the central drive shaft (1) and respective chuck (21) may not include a drill bit and be used solely to drive the gear cluster (page 1, lines 97-100). GB 2170753 further shows the chuck assembly having a shaft (Fig. 1), a gear-mounting flange (12) and a sleeve (19,20). GB 2170753 lacks the presence of at least one idler gear located directly adjacent to and in direct mesh connection with each drive gear to promote rotation in a same direction. Garfield '823 shows in Figure 2 the use of idler gears (Q) located directly adjacent and in direct mesh connection with the drive gears (P) to promote rotation in a same direction (page 2, lines 3-13). In view of this teaching of Garfield '823, it is considered to have been obvious to modify the drive gear assembly of GB

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2170753 by the addition of idler gears shown by Garfield '823 to provide a same direction rotation that would require only a single direction bit (right-handed or left-handed), in lieu of both directions, making replacement of the worn or damage bits simpler without worry of directional dependency.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2170753 in view of Garfield '823, further in view of Penner '493. GB 2170753 in view of Garfield '823 lack the spring loaded locking ball mounted on a square shaft to be attached within the square hole of the gear. Penner '493 shows in Figures 1 and 3 a quick connect/disconnect attachment means having a spring loaded (22) locking ball (21) mounted on a square shaft (10). In view of this teaching of Penner '493, it is considered to have been obvious to replace the shaft/gear attachment means of GB 2170753 in view of Garfield '823 with another well-known, quick connect/disconnect attachment means shown in Penner '493 to facilitate removal and replacement of bits within the chucks.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2170753 in view of Garfield '823 in view of Penner '493, further in view of Craft '768. GB 2170753 in view of Garfield '823 in view of Penner '493 lacks the chuck retaining attachment means being magnetic. Craft '768 shows in Figure 8 a magnet (39) provided at the base of the shaft hole to provide an insert retaining means. In view of this teaching of Craft '768, it is considered to have been obvious to replace the chuck retaining attachment means of GB 2170753 in view of Garfield '823 in view of Penner '493 with another well-known, attachment means shown in Craft '768 to provide the desired quick connect/disconnect attachment of the bits within the chucks.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2170753 in view of Garfield '823, further in view of DE 42432. GB 2170753 in view of Garfield '823 lacks the drive gears being pivotably connected and adjustable. DE 42432 shows in Figures 1 and 2

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drive gears (9) being connected by spacer clips (6) to idler gears (5) thereby providing a pivoting action wherein the angle of orientation of the spacer clips controls the spacing between the chucks/working spindles (4). In view of this teaching of DE 42432, it is considered to have been obvious to modify the drive gear assembly of GB 2170753 in view of Garfield '823 by the addition of pivotable and adjustable idler gears shown by DE 42432 to provide incremental adjustment throughout a continuous range of drilling diameters without the need to add or subtract gear members.

### ***Response to Arguments***

5. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

6. Claim 3-5,8 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

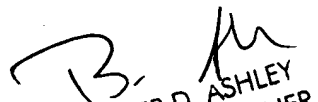
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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mr. Boyer D. Ashley, may be reached at 571-272-4502

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filling papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.

  
Michael W. Talbot  
Examiner  
Art Unit 3722

  
BOYER D. ASHLEY  
PRIMARY EXAMINER